

1 A. PETER RAUSCH, JR. (State Bar No. 127930)  
2 LAW OFFICES OF A. PETER RAUSCH, JR.  
3 1930 Tienda Drive, Suite 106  
Lodi, California 95242  
Telephone: (209) 339-8500  
Facsimile: (209) 339-8505  
Email: counsel@rausch.com

5 Attorneys for Plaintiff & Counter-Defendant,  
Russell Hinton Co., a California corporation

6 DAVID A. ROSENFELD (State Bar No. 058163)  
7 WEINBERG, ROGER & ROSENFELD  
1001 Marina Village Parkway, Suite 200  
8 Alameda, California 94501-1091  
Telephone: (510) 337-1001  
9 Facsimile: (510) 337-1023  
Email: drosenfeld@unioncounsel.net

10 Attorneys for Defendants & Counter-Claimants,  
11 District Council 16 of the International  
Union of Painters and Allied Trades;  
12 and Doug Christopher

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION

16 RUSSELL HINTON CO., a California ) Case No. 3:11-CV-01627-SI  
Corporation )  
17 Plaintiff & Counter-Defendant, )  
18 v. )  
19 DISTRICT COUNCIL 16 OF THE )  
INTERNATIONAL UNION OF PAINTERS )  
AND ALLIED TRADES AND DOUG )  
CHRISTOPHER, )  
22 Defendants & Counter-Claimants. )  
23  
24 )  
25 )  
26 )  
27 )  
28 )  
The parties, by and through their undersigned attorneys of record, hereby furnish the  
following status report and stipulate and agree and respectfully request that the Court (i) extend  
the December 5, 2011 deadline to complete binding arbitration, and (ii) continue the Initial Case  
Management Conference currently scheduled for December 9, 2011.

Joint Status Report and  
Stipulation and [Proposed] Order Continuing (i) Deadline to Complete ADR and (ii) Case Management Conference  
Civil Action No. 3:11-CV-01627-SI

1 This Report and Stipulation are based on the following facts:

2 This action was filed on April 4, 2011.

3 Defendants filed their Answer and Counter-Claim on May 6, 2011.

4 An initial Case Management Conference was set for August 25, 2011.

5 On August 5, 2011 the Court entered a stipulated order referring the case to private binding  
6 arbitration, to be completed within one hundred twenty (120) days, which would be December 5  
7 2011. (Docket No. 23).

8 The matter is currently set for an Initial Case Management Conference on December 9,  
9 2011 at 2:30 p.m., pursuant to the parties Stipulation and the Court's subsequent Order of August  
10 24, 2011. (Docket No. 25).

11 The parties mutually agreed to an arbitrator (Luella Nelson) and, based on the schedules of  
12 the parties and the arbitrator, scheduled an arbitration hearing on the first mutually convenient  
13 date of December 14, 2011.

14 Between approximately October 15, 2011 and November 15, 2011, the parties filed various  
15 papers with the Arbitrator in connection with a motion to dismiss by Defendants. A telephonic  
16 conference was held between the parties and the Arbitrator on November 29, 2011 to address pre-  
17 hearing matters and matters raised by the motion.

18 As a result of the November 29th telephone hearing, the Arbitrator set further briefing to  
19 be completed by Defendants by December 5, 2011 and by Plaintiff by December 8, 2011. The  
20 parties were also directed to furnish a stipulation of facts pertaining to the motion to dismiss to the  
21 Arbitrator by December 8, 2011. The Arbitrator set December 14, 2011 as a target date for the  
22 rendering of a decision on the motion to dismiss.

23 Based on the foregoing, no evidentiary hearing will take place on December 14, 2011.  
24 The Arbitrator has advised the parties to select a new hearing date from among the following next  
25 available hearing dates on the Arbitrator's calendar: (i) April 18-20; (ii) May 7-9; or (iii) June 13-  
26 15. Counsel are currently furnishing the Arbitrator with their availability.

If the Defendants' motion to dismiss is not dispositive of all claims in the case, the matter will proceed to evidentiary hearing before the Arbitrator, but not before one of the dates set forth above.

The Arbitrator has directed and the parties agreed to request the Court extend the deadline to complete private arbitration and to continue further case management conferences until the matter can proceed to hearing on one of the dates set forth above.

Accordingly, the parties respectfully request the Court continue the Initial Case Management Conference to allow the parties sufficient time to complete arbitration such that the parties may appear before the Court at a post-arbitration status conference at the Court's convenience sometime after June 15, 2012.

Specifically, the parties respectfully request that the Court extend the deadline to complete binding arbitration to June 15, 2012 and continue the Initial Case Management Conference at the Court's convenience sometime after July 15, 2012 (date selected to allow the Arbitrator thirty (30) days to render her award following hearing).

Respectfully Submitted,

LAW OFFICES OF A. PETER RAUSCH, JR.

Dated: December 2, 2011

By: /A. Peter Rausch, Jr. /  
A. PETER RAUSCH, JR.  
Attorneys for Plaintiff and Counter-Defendant,  
Russell Hinton Co., a California corporation  
**[Signed Electronically for eFiling]**

WEINBERG, ROGER & ROSENFELD

Dated: December 2, 2011

By: /David A. Rosenfeld/  
DAVID A. ROSENFELD  
Attorneys for Defendants & Counter-Claimants,  
District Council 16 of the International Union of  
Painters and Allied Trades; and Doug  
Christopher  
**[Signed Electronically for eFiling]**

1                   **E-FILING SIGNATURE ATTESTATION**

2                   I hereby attest that I have been expressly authorized by opposing counsel, through his  
3 associate, Lisl Duncan, to affix his signature above as indicated by a "conformed" signature (/S/)  
4 within this e-filed document.

5                   December 2, 2011

6                   /s/ A. Peter Rausch, Jr.  
7                   A. Peter Rausch, Jr.

8                   **[Signed Electronically for eFiling]**

1 [PROPOSED] ORDER  
2

3 PURSUANT TO STIPULATION, and good cause appearing,  
4

5 IT IS SO ORDERED THAT:  
6

7 The parties' deadline to complete binding arbitration is extended from December 5, 2011  
8 to June 15, 2012.  
9

10 The Court's Initial Case Management Conference scheduled for December 9, 2011 at 2:30  
11 p.m. and all related pre-hearing filing requirements are hereby vacated. This matter is set for a  
12 Case Management Conference on 6/29/12 at 3 a.m./p.m.  
13 Pursuant to Local Rule the parties are directed to file a Joint Status Conference Report no later  
14 than seven (7) days prior to the Status Conference.  
15

16 Dated: 12/6/11



17  
18 UNITED STATES DISTRICT JUDGE  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1                   **CERTIFICATE OF SERVICE**

2       I, the undersigned, hereby certify that on December 2, 2011, I electronically filed the  
3 foregoing with the Clerk of Court for the United States District Court, Northern District of  
4 California by using the CM/ECF system. I certify that all participants in the case are registered  
5 CM/ECF users and that service will be accomplished by the CM/ECF system.

6                   /s/ A. Peter Rausch, Jr.  
7                   A. PETER RAUSCH, JR.

8                   LAW OFFICES OF A. PETER RAUSCH, JR.  
9                   Attorneys for Plaintiff and Counter-Defendant,  
Russell Hinton Co., a California corporation

10                  **[Signed Electronically for eFiling]**

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies as follows:

I am an employee of the Law Offices of A. Peter Rausch, Jr., 1930 Tienda Drive, Suite 106, Lodi, California 95242. I am over 18 years of age and am not a party to the within action.

On December 2, 2011, I served a true and correct copy of the following document:

**JOINT STATUS REPORT AND STIPULATION AND  
[PROPOSED] ORDER CONTINUING (i) DEADLINE TO COMPLETE ADR  
AND (ii) CASE MANAGEMENT CONFERENCE**

on the following individuals:

**(BY MAIL)** placing a true copy thereof in a sealed envelope, with postage fully prepaid for first-class mail, for collection and mailing at the Law Offices of A. Peter Rausch, Jr., Lodi, California following ordinary business practices. I am readily familiar with the practice of the Law Offices of A. Peter Rausch, Jr. for collection and processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection. The sealed envelope was addressed as follows:

Luella Nelson, Arbitrator  
PMB 159  
4096 Piedmont Avenue #159  
Oakland, CA 94611

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 2nd day of December, 2011 at Lodi, County of San Joaquin, California.

/Jaime Pacheco/  
Jaime Pacheco  
**[Signed Electronically for eFiling]**